

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re EVOLUS, INC. SECURITIES
LITIGATION**

Civil Action No. 20-cv-8647-PGG

**STIPULATION AND [PROPOSED] ORDER GOVERNING ALPHAEON
CORPORATION’S RESPONSE TO THE AMENDED COMPLAINT**

WHEREAS, under the November 13, 2020 Stipulation and Order (the “Scheduling Stipulation”), plaintiffs filed the Amended Class Action Complaint on November 16, 2021;

WHEREAS, the Amended Complaint names Alphaeon Corporation, now known as AEON Biopharma, Inc. (“Alphaeon”) as a defendant and alleges that Alphaeon violated Sections 10(b) and 20(a) and 20A of the Securities Exchange Act of 1934, 15 U.S.C. § 78a, *et seq.*, on behalf of a putative class of Evolus, Inc. shareholders;

WHEREAS, pursuant to the Scheduling Stipulation, Defendants Evolus, Inc., David Moatazedi, Lauren Silvernail and Rui Avelar (the “Evolus Defendants”) motion to dismiss was served on January 18, 2022;

WHEREAS, Alphaeon was not a signatory to the Scheduling Stipulation;

WHEREAS, Alphaeon intends to move to dismiss the Amended Complaint pursuant to F.R.C.P. 12(b)(6) and the Private Securities Litigation Reform Act;

NOW, THEREFORE, PLAINTIFFS AND ALPHAEON (N/K/A AEON BIOPHARMA) HEREBY STIPULATE AND AGREE, through their undersigned counsel, subject to the Court's approval, as follows:

1. Alphaeon agrees to waive formal service of the Amended Complaint;
2. Alphaeon shall serve its Motion to Dismiss the Amended Complaint by February 10, 2022, without the need for a pre-motion conference;
3. Plaintiffs shall serve their opposition to Alphaeon's motion to dismiss by March 21, 2022.
4. Alphaeon shall file its motion and reply, and Plaintiffs shall file their opposition pursuant to the Court's bundling rule, by May 5, 2022.

Lead Counsel for Plaintiffs consent to the filing of this stipulation using their electronic signature.

Dated: February 8, 2022

/s/ Edward E. Johnson

Edward E. Johnson (admitted *pro hac vice*)
Todd C. Theodora (admitted *pro hac vice*)
Michelle L. Monroe (admitted *pro hac vice*)
THEORDORA ORINGHER PC
535 Anton Boulevard, Ninth Floor
Costa Mesa, California 92626-7109
Telephone: (714) 549-6200
Fax: (714) 549-6201
Email: ejohnson@tocounsel.com
ttheodora@tocounsel.com
mmonroe@tocounsel.com

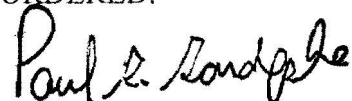
*Attorneys for Defendant Alphaeon
Corporation (N/K/A Aeon Biopharma)*

/s/ Sara Fuks

THE ROSEN LAW FIRM, P.A.
Sara Fuks
Laurence Rosen
Phillip Kim
275 Madison Avenue, 40th Floor
New York, New York 10016
Telephone: (212) 686-1060
Fax: (212) 202-3827
Email: sfuks@rosenlegal.com
lrosen@rosenlegal.com
pkim@rosenlegal.com

Lead Counsel for Plaintiffs

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: February 10, 2022